

UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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Private Club Liquor License Summary

*Note: This is general information only and should not be considered conclusive.
For further detail, please consult Title 32A of the Utah Code or the Rules of the Commission.*

A private club liquor license allows the sale, storage, service, and consumption of alcoholic beverages (liquor, wine, heavy beer, and beer) on the premises of a private club. Licenses run from July 1 to June 30. The total number of licenses allowed by law is one per 7,850 people in the state.

There are four classes of private clubs

- Class A includes equity clubs such as country clubs.
- Class B includes mutual benefit associations that are organized under a lodge system such as fraternal or patriotic clubs.
- Class C includes qualified dining clubs that maintain at least 50% of their club business from the sale of food and have adequate culinary facilities to serve full meals.
- Class D includes any other club that does not qualify as a class A, B, or C club, such as a social drinking club that does less than 50% of its business from the sale of food.

Club Structure

- Licenses may be issued to sole proprietors, partnerships, corporations, or limited liability companies.
- A club must have a governing body comprised of at least three members that holds regular meetings to approve memberships (and conducts any other business required by the club's bylaws or house rules).

Membership Requirements

- Qualifications for membership are set in the club's bylaws or house rules, however a member must be an individual who is 21 years of age or older.
- *Membership Applications.* A club, in its discretion, may immediately admit an applicant and give him/her temporary membership privileges until the governing body of the club can meet to approve the membership (eliminates the 7-day waiting period). The applicant must pay an application fee which cannot be less than \$4 and the governing board must act on the application within 31 days. If the governing body approves the applicant, the \$4 application fee may be credited towards the membership dues. Note: Membership dues must still be at least \$1 per month or \$12.00 per year.
- A member's spouse is entitled to all rights and privileges of the member, except to the extent restricted by law (i.e. a spouse who is a minor, cannot be in a bar area, purchase or consume alcohol, etc.).
- A minor child of a member of a Class A club is entitled to all rights and privileges of the member to the extent permitted by the club's bylaws or house rules, except to the extent restricted by law (i.e. cannot be in a bar area, purchase or consume alcohol, etc.).
- A patron, in order to be admitted to or use the premises of a private club, and/or purchase alcoholic beverages at a private club, must be a club member, holder of a visitor card, or guest of a member or visitor card holder.
- *Membership Exceptions.* Non patrons such as employees, independent contractors, and entertainers may be on the club premises to perform their duties without having to be a club member, holder of a visitor card, or guest of a member or visitor card holder.

Visitor Cards

- Non members, at the discretion of a club, may purchase a **visitor card** for not less than \$4.
- The visitor card is good for up to three weeks
- No sponsorship is required.
- The visitor card holder may host up to seven guests.

- Minors may not be issued a visitor card.
- The entire amount of the visitor card fee is retained by the club.

Guest Hosting

- Guests must be
 - previously authorized by a member or holder of a visitor card (host);
 - known by the host based on a pre-existing bona fide business or personal relationship prior to the guest's admittance to the club;
 - accompanied by the host for the duration of the guest's visit, and enjoy only those privileges derived from the host for the duration of the guest's visit.
- The host must
 - remain on the club premises for the duration of the guest's visit; and
 - be responsible for the cost of all services extended to the guest.
- On duty employees may not
 - act as a host for a guest, or
 - attempt to locate a host for a guest with whom the host has no acquaintance based on a pre-existing bona fide business or personal relationship.
- The club and its employees may not enter into an agreement or arrangement with a member or visitor card holder to indiscriminately host members of the general public into the club as guests.
- If a guest is a member of the same fraternal organization as the Class B club, previous authorization by a host is not required.

Sale and Service of Alcoholic Beverages:

(1) Liquor Sales

- (a) The primary liquor in a mixed drink may be dispensed from any size bottle, but only in quantities **not to exceed** 1.5 ounces through a department approved calibrated metered dispensing system or device. The club must post a list of types and brands of liquor dispensed through the dispensing system.
- (b) Liquor used as a secondary flavoring need not be dispensed through the dispensing system. Liquor stored and used as flavorings must be clearly labeled "flavoring".
- (c) The total amount of spirituous liquor in a beverage (including both the primary liquor and any secondary flavorings) may not exceed 2.5 ounces of spirituous liquor.
- (d) Each patron may have no more than a total of 2.5 ounces of spirituous liquor (including flavorings) at a time before the patron.

(2) Wine Sales

- (a) Wine may be sold and served by the bottle or container in sizes not exceeding 1.5 liters to tables of four or more. For tables of less than four, the size can not be larger than 750 ml.
- (b) Wine may be served by the glass or individual portion in quantities not exceeding 5 ounces. An individual portion (i.e. "flights") may be served to a patron in more than one glass as long as the total amount of wine in the individual portion does not exceed 5 ounces. An individual portion of wine is considered one alcoholic beverage.
- (c) Wine may be poured by the glass from any size bottle or container and need not be dispensed through a dispensing device.
- (d) Unfinished wine may be removed from a club by a patron if the bottle is recorked or recapped.

(3) Heavy Beer Sales: Heavy beer may be served in original containers not exceeding one liter.

(4) Flavored Malt Beverage Sales: Flavored malt beverages may be served in original containers not exceeding one liter.

(5) Beer Sales: Light beer may be served in any size container not exceeding 2 liters and on draft. Beer may be sold by the pitcher (up to two liters) to two or more patrons, but may be sold to an individual patron only in a container that does not exceed one liter. Beer may be sold to go in sealed containers.

Limitation on Total Number of Drinks

- Each club patron may have no more than two alcoholic beverages of any kind at a time before the patron subject to the following limitations:

If two spirituous drinks are in front of a patron, one may not be the same primary liquor dispensed as a shot-on-the-side (previously referred to as a “side car”). Also, the two drinks can not contain a total of more than 2.5 ounces of liquor at a time before the patron.

Price List

- A private club must have readily available for its patrons a printed alcoholic beverage price list or menu containing current prices of all alcoholic beverages.

Discounting Practices Prohibited

- Liquor may not be sold at a discount at any time.
- Other discounting practices are prohibited that encourage over-consumption of alcohol (i.e. “happy hours”, “two for ones”, combination pricing, “all you can drink for a set price”, free alcohol, or selling at less than cost).
- A private club licensee or employee may not purchase an alcoholic beverage for a patron.

“Brown Bagging”

- Patrons may not bring in or store alcoholic beverages on the premises, however at the licensee’s discretion a patron may bring in bottled wine for consumption on the premises.
- Wine brought in must be immediately delivered to a server or an employee of the club.
- A wine service may then be performed, and patrons may serve themselves or others at the table.

Food Availability

- Clubs must offer a variety of food prepared and served in connection with dining accommodations.
- Food must be available at all times when alcohol is sold, served, or consumed.

Advertising

- Any advertising by a club, its employees, or persons under contract with the club (i.e. entertainers), must include the phrase, “a private club for members” to clearly identify the establishment as being a private club.
- Signs advertising the availability of alcoholic beverages may be displayed inside and outside the club.
- Alcohol advertising by the club must comply with the guidelines in Rule R81-1-17.

Advertising and Promotion of Memberships and Visitor Cards

- Clubs may advertise the availability and price of memberships and visitor cards.
- A private club, its employees, agents, members, or any person under contract or agreement with the club may not directly or indirectly engage in or participate in any public advertising or promotional scheme that:
 - (1) offers or provides complimentary club memberships or visitor cards to the general public;
 - (2) offers or provides full or partial payment of membership fees or dues, or visitor card fees to members of the general public;
 - (3) offers or implies an entitlement to a club membership or visitor card to members of the general public;or
 - (4) offers to host members of the general public into the club.
- However, a hotel that has a private club located in the hotel may assist the club in the issuance of a club membership or visitor card to a guest of the hotel under the following conditions:
 - (1) the guest has booked a room and is staying at the hotel;
 - (2) the costs of the membership application fee and membership dues or visitor card fee are paid for by the guest either as a separate charge, or as part of the hotel room rate;
 - (3) the private club receives payment for fees and dues for all memberships and fees for visitor cards issued to guests of the hotel;
 - (4) the hotel and the club shall maintain a current record of each membership or visitor card issued to a

guest of the hotel as required by the commission which shall be available for inspection by the Department of Alcoholic Beverage Control; and
(5) the issuance of a membership or visitor card is done in accordance with the procedures outlined in 32A-5-107 (1) through (4) and (6).

Sales and Consumption Hours

- Alcoholic beverages may be sold on any day from 10:00 a.m. until 1:00 a.m.
- A patron may not remove an open container primarily used for drinking purposes and containing an alcoholic beverage, from the club premises.
- Clubs must remain open an extra hour after alcohol sales and service have ended to allow a patron to finish consuming any single drink purchased before sales ended. Clubs do not have to remain open after all patrons have vacated the premises, or during an emergency.
- *Hours of Consumption.* Consumption of alcohol in clubs is prohibited between the hours of 2 a.m. and 10 a.m.
- The liquor storage area must remain locked at times when liquor sales are not permitted.

Employees

- Any employee handling alcoholic beverages must be twenty one years of age or older.
- Servers of alcohol must wear a unique identification badge showing the employee's first name, initials, or a number assigned by the employer.
- Employees may not consume or be under the influence of alcoholic beverages while on duty.
- Managers, supervisors, and employees who serve alcohol must take and pass an alcohol server training seminar every three years and must complete the training within 30 days of commencing employment.

Employee Fines

- The commission is authorized to assess an administrative fine against an officer, employee, or agent of a licensee for a violation of the alcoholic beverage laws.

Minors

- Minors *may not* be on the premises of a lounge or bar area of any club except in a Class D club when performing maintenance or cleaning services when the club is not open for business.
- Minors *may not* be on the premises of any club that provides sexually oriented adult entertainment.
- Minors **may** be employed by Class A, B, or C clubs, but may not work in any lounge or bar area, or sell, serve or handle alcoholic beverages.
- Minors **may** work at a cash register in a Class A or Class C club to ring up the sale of alcoholic beverages.

Minors in Class D Clubs

- Minors *may not* be on the premises of Class D (social drinking) clubs *except* under the following three exceptions:
 - 1) To dine or attend a function if all three of these conditions are met:
 - a) when no alcohol is sold, served, or consumed, but no later than 1 p.m.; and
 - b) when accompanied at all times by a parent, legal guardian, or spouse who is a member of the club or holder of a visitor card; and
 - c) the club has a full kitchen and is licensed by the local jurisdiction as a food service provider.
 - 2) Minors *may not* be an employee of a class D club *except* under either of the following circumstances:
 - a) The minor's parent or legal guardian owns or operates the club, provided that the minor is not employed to work in the lounge or bar area; or
 - b) The minor performs maintenance and cleaning services during hours when the club is not open for business (allows cleaning of the lounge and bar area).
 - 3) Minors *may* be on the premises of a Class D Dance or Concert hall under the following circumstances:
 - A minor who is at least 18 years old may be on the premises of a dance or concert hall if:
 - a) the dance or concert hall is on the premises of a class D club and the minor is the guest of a member or guest of a holder of a visitor card; or on adjoining premises operated by the Class D club; and

- b) the commission has issued the club a “dance or concert hall minor permit” (see below).
- A minor who is under 18 years old may be on the premises of a concert hall only (not a dance hall) if:
 - a) accompanied by a parent or legal guardian who is a member or holds a visitor card;
 - b) the concert hall is on the premises of a class D club or on adjoining premises operated by the Class D club;
 - c) all alcoholic beverage product, signage, and dispensing equipment is not visible to the minor; and
 - d) the commission has issued a “dance or concert hall minor permit” (see below).
- A minor who is under 18 years old and 14 years of age or older and *not* accompanied by a parent or guardian, may be on the premises of a concert hall only (not a dance hall) if:
 - a) the commission has issued a “dance or concert hall minor permit” (see below);
 - b) all alcoholic beverage product, signage, and dispensing equipment is not visible to the minor; and
 - c) there is no alcoholic beverage sales, service, or consumption on the premises of the class D club.
- Local governments may be more restrictive of a minor’s admittance, use of, or presence on the premises of any private club.

Dance or concert hall minor permit

- The commission may issue a dance or concert hall minor permit to a class D club if all of the following conditions are met:
 - 1) the lounge, bar, and alcohol consumption area is:
 - not accessible to minors
 - clearly defined
 - separated by walls, multiple floor levels, or other substantial physical barriers;
 - 2) the bar or dispensing area is not visible to minors;
 - 3) no consumption of alcohol is allowed in the dance or concert hall area or any area of the club accessible to a minor;
 - 4) the club has sufficient security personnel to prevent the passing of beverages from the bar/lounge/consumption area to the dance or concert hall or any area accessible to minors; and
 - 5) there are separate entrances, exits, and restrooms for the dance or concert hall or any area of the club accessible to a minor.
- The permit may be suspended or revoked by the commission for failure to follow the permit guidelines, or for serving a minor, drug activities, lewd acts, etc.

Warning Sign

- Each club licensee shall display, in a prominent place, a sign in at least half inch bold letters stating: “Warning: Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah.”

Bad Checks

- The DABC may immediately suspend the license if it receives a bad check as payment for liquor, for licensing or bond fees, fines and costs for violations, etc..

Prohibited Conduct

- Lewd acts, attire, and sexually oriented conduct of employees and entertainers that are considered contrary to public welfare and morals are prohibited on the premises.

Gambling

- Clubs may not engage in or permit any form of gambling on its premises.